

PROCEEDINGS AGAINST JOSEPH A. PORRETTO FOR CONTEMPT OF THE SENATE

FEBRUARY 21 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized Crime in Interstate Commerce, submitted the following

REPORT

[To accompany S. Res. 85]

The Special Committee To Investigate Organized Crime in Interstate Commerce, as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Joseph A. Porretto of New Orleans, La. The said subpoena directed Joseph A. Porretto to be and appear before the said committee on January 25, 1951, at 9:30 a. m., in room 245, Main Post Office Building, New Orleans, La., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of the subpoena was the 13th day of January 1951. Attendance pursuant to said subpoena was had on January 25, 1951, at which time the witness appeared. The subpoena served upon said Joseph A. Porretto is set forth, as follows:

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To JOSEPH A. PORRETTO, 746 Baronne Street, 26 Sonia Place, Jefferson Parish, New Orleans, La., Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on January 25, 1951, at 9:30 o'clock a. m., at their committee room 245, Main Post Office Building, New Orleans, La., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you the documents required as per the attached sheet.

(Following appeared on the attached sheet:)

"And bring with you all books, records and supporting documents relating to your income and disbursements from January 1, 1944, to date; all records relating to assets and/or interest in property, either real, personal, or mixed; or interest in legal entities during the aforesaid period; and copies of Federal income-tax returns during the aforesaid period."

All books, records, and supporting documents relating to assets, income, and disbursements from January 1, 1946, to date; all records relating to identity and

location of subscribers, customers and/or "drops" of the Southern News Publishing Co., and/or Liberty Service Co., including copies of Federal income-tax returns during the aforesaid period and records relating to extent of participations and identity of persons in interest directly or indirectly during the aforesaid period.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To George Butler to serve and return.

Given under my hand, by order of the committee, this 13th day of January, in the year of our Lord 1951.

ESTES KEFAUVER,

Chairman, Senate Committee To Investigate Organized Crime in Interstate Commerce.

The said subpoena was duly served as appears by the return made thereon by George Butler, who was duly authorized to serve the said subpoena. The return of the service by the said George Butler being endorsed thereon is set forth as follows:

JANUARY 18, 1951.

I made service of the within subpoena by personal service the within-named Joseph A. Porretto at Knoffie Pecorra's car lot in 100 block South Broad at 11:45 o'clock a. m., on the 18th day of January 1951.

GEORGE BUTLER.

The said Joseph A. Porretto pursuant to said subpoena and in compliance therewith appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. Joseph A. Porretto having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the record of the hearing on January 25, 1951, at New Orleans, La., which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Joseph A. Porretto's refusal to answer the questions pursuant to said inquiry, as appears in the record annexed, consisting of pertinent excerpts from the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of the subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Joseph A. Porretto pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to answer questions as set forth in annex I, is a violation of the subpoena under which the witness was directed to appear and answer pertinent questions to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

At an executive session of the committee held on December 22, 1950, the following resolution was adopted.

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

DECEMBER 22, 1950.

Resolved, That the chairman of this committee be and hereby is authorized at his discretion to appoint one or more subcommittees of one or more Senators, of whom one member shall be a quorum for the purpose of taking testimony and

all other committee acts, to hold hearings at such time and places as the chairman might designate, in furtherance of the committee's investigations of organized crime, in the vicinities of the cities of Tampa, Fla., and New Orleans, La.

ESTES KEFAUVER, *Chairman.*

HERBERT R. O'CONOR.

LESTER C. HUNT.

In accordance with the resolution of December 22, 1950, the chairman designated himself as a subcommittee of one to swear witnesses and to hear testimony at New Orleans, La., on January 25 through 26, 1951.

After reviewing the testimony and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

MINUTES OF A COMMITTEE MEETING JANUARY 29, 1951

The committee met at 2:30 p. m., in District of Columbia committee room. There were present the chairman and Senators Hunt, O'Connor, Tobey, and Wiley. The chairman presented to the committee the minutes of the committee meeting of January 25 and 26, 1951, together with a resolution made on December 22, 1950. The chairman stated to the committee that the chairman had designated a subcommittee to hear continued testimony in connection with organized crime in the city of New Orleans, La., pursuant to the resolution of December 22, 1950, the subcommittee consisting of the chairman.

The chairman then presented to the committee the minutes of said subcommittee meeting of January 25 and 26, 1951, held in room 245, Main Post Office Building, New Orleans, La.

The chairman stated to the committee that the witness, Joseph A. Porretto, repeatedly, consistently, and arbitrarily had refused to answer questions put to him throughout counsel and chairman's examination of said witness on January 25, 1951, and that his refusal therefore was improper and contemptuous.

The chairman presented to the committee a draft report on the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator O'Connor, duly seconded by Senator Tobey, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the eastern district of Louisiana to proceed against the said Joseph A. Porretto in the manner and form provided by law.

ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE
COMMERCE

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
New Orleans, La., January 25, 1951.

REPORTER'S TRANSCRIPT

The committee met at 9:30 a. m., Thursday, January 25, 1951, in room 245, Main Post Office Building, Senator Estes Kefauver (chairman) presiding.

Present: Senator Kefauver.

Also present: Downey Rice, Esq., associate counsel; Alfred M. Klein, associate counsel; George Martin, investigator; and Ralph W. Mills, investigator.

(Represented by P. M. Flanagan, Esq., 416 Whitney Bank Building.)

(Mr. Porretto was sworn by the chairman.)

Mr. FLANAGAN. At the outset, Mr. Chairman, I would like to make the statement that I appreciate the duty imposed upon you by Senate Resolution 202, and I likewise would like the committee to understand the duty imposed upon me in representing my client.

The CHAIRMAN. We appreciate that, Mr. Flanagan.

Mr. FLANAGAN. Any remarks that I may say or any statement, and the manner in which the statements are made or the manner in which the questions are answered, I want it understood it is not to be construed as a discourtesy to this committee.

The CHAIRMAN. That is very thoughtful of you, Mr. Flanagan.

Mr. FLANAGAN. I would like for the record to show the introduction of Senate Resolution 202 into the record insofar as this witness is concerned. I believe it was offered at the beginning of this morning's session, but I want it to apply and to be made a part and parcel of the record as to this witness.

The CHAIRMAN. As to this witness, we will make the Senate resolution a part of the record. We will make the resolution of the committee authorizing this meeting, and authorizing the chairman to direct one member of the committee to hold the meeting, part of the record.

(The resolution referred to was made a part of the record, and is on file with the committee, being in words and figures as follows:)

"DECEMBER 22, 1950.

"SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE COMMERCE

"*Resolved*, That the chairman of this committee be and hereby is authorized at his discretion to appoint one or more subcommittees of one or more Senators, of whom one member shall be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman might designate, in furtherance of the committee's investigations of organized crime, in the vicinities of the cities of Tampa, Fla., and New Orleans, La.

"ESTES KEFAUVER. *Chairman.*

"HERBERT R. O'CONOR.

"LESTER C. HUNT."

Mr. FLANAGAN. In reading Senate Resolution 202, I noticed that it is composed of five members.

The CHAIRMAN. That is correct.

Mr. FLANAGAN. And inasmuch as there is only one member present at this time, I want to object as to the want of a quorum.

The CHAIRMAN. Your objection will be noted.

Mr. FLANAGAN. And we reserve all of our rights.

The CHAIRMAN. And overruled, because this hearing by one member has been authorized by the whole committee, which comes within the terms of the Christofel case, a case by the United States Supreme Court.

Mr. FLANAGAN. Mr. Chairman, am I correct when I say that the section 1 of the resolution provides that this committee has the right to investigate State laws as well as any Federal laws?

The CHAIRMAN. No, sir. It only has the right to investigate transactions in interstate commerce which are in violation of the Federal laws—of the Federal Government—or of the laws of the States where the transactions take place.

Mr. FLANAGAN. Your Honor, I have a further statement to make.

The CHAIRMAN. Yes, sir.

Mr. FLANAGAN. The newspapers, for the last 2 weeks or more, have contained statements as to the activities of the witness as a member of a national racket gang. That particular statement appeared yesterday in the Item newspaper and it stated, as furnished by the Kefauver men and as well as other criminal organizations, and I believe also in the past few weeks, there has been a lot of prominence given to Mr. Poretto as to his private life. It follows that the questions the committee will probably ask the witness will be of two classes: First, questions the answers to which might tend to incriminate him; and, second, questions which are not pertinent to this inquiry. The witness has requested me to state to the committee that he will, to those questions which may be pertinent to the inquiry the answers to which may tend to incriminate him; refuse to make answer; and that he will, further, refuse to make answer to all questions which are not pertinent to this inquiry which seek to pry only into his personal affairs. As to the self-incrimination, we are relying on the various Supreme Court decisions and

the case of *Kilburn v. Thompson*, which held that neither of the bodies, referring to either House, would have any right to possess any power of making inquiries into the private affairs of citizens.

I would also like the record to show that there is present in the court, and I believe there was some statement appearing in the newspapers, that the district attorney of the State, the United States attorney, law enforcement officers, were invited to this hearing.

The CHAIRMAN. Well, sir, this is an open hearing. I don't know if they are present, but they have a right to be here.

Mr. FLANAGAN. And that the record shows that they are present in the courtroom.

The CHAIRMAN. All right.

Mr. RICE. Your name, sir?

Mr. PORETTO. Joe Poretto.

Mr. RICE. Where do you live?

Mr. PORETTO. 28 Soniat Place.

Mr. RICE. How old are you?

Mr. PORETTO. I am 44 years old.

Mr. RICE. Where were you born?

Mr. PORETTO. New Orleans.

The CHAIRMAN. Is that Soniat Place in New Orleans?

Mr. PORETTO. Jefferson Parish.

Mr. RICE. Have you lived here all of your life?

Mr. PORETTO. Yes, I have.

Mr. RICE. Have you ever been in Houston?

Mr. PORETTO. I refuse to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Well now, just a minute. You mean you refuse to answer whether you have ever been in Houston, Tex., or not? Is that right?

Mr. PORETTO. I have answered the question, Senator.

Mr. RICE. Now, are you under indictment?

The CHAIRMAN. Well, just a minute. Counsel, I will have to order your client to answer that question.

Mr. FLANAGAN. Well, Your Honor, this section 1 of the resolution provides that you are investigating any activities, transactions, which are in violation of the laws of the United States, or any State which are of an interstate character. The witness certainly has a right to rely on his constitutional privilege. All of these questions, however innocent they may look, if the witness answers any one of them, that may be the connecting link in the chain of evidence necessary to either prosecute him in the Federal courts or in the State courts.

Mr. RICE. Yes, but this isn't a forum for speculation. In order to assert his privilege he has to have a fixed situation in mind upon which he asserts that privilege.

The CHAIRMAN. There is no use arguing the legal technicalities here. Let's ask the questions.

Anyway, you are ordered to answer the question whether you have ever been to Houston, Tex.

Mr. PORETTO. I refuse to answer the question on the grounds I may tend to incriminate myself.

Mr. RICE. Do you have a criminal record?

Mr. PORETTO. I refuse to answer that question on the grounds I may tend to incriminate myself.

Mr. RICE. Have you ever been arrested?

Mr. PORETTO. I refuse to answer that question on the grounds that I may tend to incriminate myself.

Mr. RICE. Have you served time?

Mr. PORETTO. I refuse to answer that question on the grounds I may tend to incriminate myself.

Mr. RICE. Are you under indictment?

Mr. PORETTO. I refuse to answer that question on the grounds that I may tend to incriminate myself.

The CHAIRMAN. Well, if you are under indictment you have already taken one step toward incriminating yourself. That is a public record.

All right. You refuse to answer.

Now, you understand that you are being ordered to answer these questions that counsel has put to you, and can we have the understanding that unless I order the question withdrawn that I will direct him to answer the question, and if he

refuses to answer it in the first instance that he will refuse to follow the direction of the Chair?

Mr. FLANAGAN. It is understood that he refuses to answer those questions because he is standing on his constitutional privilege.

The CHAIRMAN. I know. It then becomes my duty to direct him to answer each of the questions. That is, after he refuses to answer, I direct him to answer, and then he refuses to follow the direction.

Mr. FLANAGAN. That is correct.

The CHAIRMAN. Can that be understood—that he is directed to answer each of the questions he refuses?

Mr. FLANAGAN. He refuses, relying on his constitutional privilege.

The CHAIRMAN. Yes; that is correct.

Mr. RICE. Now, sir, going back to the question about whether you have ever been arrested or not, do you assert your privilege because you are under a pending indictment?

Mr. PORETTO. I refuse to answer that question on the grounds that I may tend to incriminate myself.

Mr. RICE. Are there any special circumstances connected with that situation which gives you the right to assert the privilege?

Mr. FLANAGAN. Mr. Chairman, I don't know: He says "that situation," but he didn't explain any situation.

Mr. RICE. Yes. He has a situation in mind which will incriminate him. If he doesn't, he must answer.

Mr. FLANAGAN. Yes. His situation would be based on what you have.

Mr. RICE. The question is, Has he ever been arrested? If he answers that he takes the position that it will incriminate him of another offense. This other offense is what I am driving at. Now, sir, do you understand that?

The CHAIRMAN. Let's get it a little bit clearer. The question was whether you had ever been arrested. You refused to answer. Now, just go on and ask the questions, Mr. Rice.

Mr. RICE. All right, sir.

How long ago did the transaction occur that you base your refusal to answer the question on?

Mr. FLANAGAN. Mr. Chairman, I don't believe that is a fair question.

The CHAIRMAN. How long ago did something happen that he is afraid any testimony now would incriminate him?

Mr. FLANAGAN. Everybody knows the purpose of this committee, and the purpose for which he was called for, and certainly we all know what you are driving at: trying to get violations of either State or Federal law, and with that in mind and with the privilege guaranteed to him under the Constitution, he can't have any exact thing, or particular situation in mind until some pertinent questions are asked him.

Mr. RICE. He has a pertinent question. The question is, Has he ever been arrested?

The CHAIRMAN. He has refused to answer that. Let's go on to another question.

Mr. PORETTO. I have answered the question.

The CHAIRMAN. Let's go on to the next.

Mr. RICE. Now then, sir, what business are you in now?

Mr. PORETTO. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. RICE. What business were you in 10 years ago?

Mr. PORETTO. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. RICE. Have you ever been in Chicago?

Mr. PORETTO. I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. RICE. Are you married?

Mr. PORETTO. Yes, I am married.

Mr. RICE. How long have you been married?

Mr. PORETTO. Close to 3 years.

Mr. RICE. Now, sir, have you ever been connected with the Southern News Publishing Co.?

Mr. PORETTO. I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. RICE. Were you connected with the Southern News Publishing Co. in 1946?
Mr. PORRETTO. I refuse to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Well, now, we understand. You just say you refuse to answer, and we will understand the grounds.

Mr. FLANAGAN. That it is on the grounds that it might incriminate him, or the questions are not pertinent to the issue.

The CHAIRMAN. And it might incriminate him. All right.

Mr. RICE. In 1946, did you leave Houston and come to New Orleans and start the Southern News Publishing Co.?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Did you send \$5,000 to Trans-America in 1946 for a news service?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Did you send \$5,000 to Trans-America in Chicago in 1946 for any purpose?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Have you ever heard of Trans-America?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Did you contract to purchase wire service from Trans-America in 1946?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Did you have any dealings with Western Union in 1946?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Were you not billed by Western Union for furnishing wire service in 1946?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Were you arrested on August 20, 1946, while operating the Southern News Publishing Co.?

Mr. PORRETTO. I refuse to answer.

The CHAIRMAN. Let me ask one thing either of the witness or counsel: Southern News Publishing Co.—is that a corporation or a partnership, or can you tell us what it was?

Mr. FLANAGAN. I have no knowledge, myself.

The CHAIRMAN. Can you say?

Mr. PORRETTO. And I refuse to answer.

The CHAIRMAN. You just refuse to tell us anything about it?

Mr. PORRETTO. That is correct, sir.

Mr. RICE. Did not the New Orleans Police Department, on August 20, 1946, arrest you, Louis Steincamp, Joseph Trovato, and Ralph Emory?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Anthony Carollo?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. And Frank Stanton?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Do you know any of those men?

Mr. PORRETTO. I refuse to answer.

The CHAIRMAN. Have you ever heard of any of them?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Did you file an injunction, or was an injunction filed on your behalf on August 23, 1946, entitled "*Joseph Poretto v. Herve Racivitch, District Attorney for the Parish of Orleans*"?

Mr. PORRETTO. I refuse to answer.

The CHAIRMAN. Well, suppose by reference, if this is a certified copy, which it appears to be, of the State of Louisiana, Civil District Court for the Parish of Orleans, Docket No. 5, No. 270,953, the chairman will put this in the record. It appears to be a petition filed August 23, 1946, and is a public record —

Mr. FLANAGAN. Mr. Chairman, I object to any documents being put into the record unless it is identified and unless it is certified according to the acts of Congress.

The CHAIRMAN. All right. Your objection is noted.

This will be put in the record as an exhibit; anyway, it seems to have some certification on it here. Let's mark it "1."

(The document was marked "Poretto Exhibit 1" and is on file with the committee.)

Mr. RICE. Do you know Charles Palermo, a notary public?

Mr. PORRETTO. I refuse to answer.

Mr. RICE. Did you ever acknowledge a legal instrument?

(No response.)

Mr. RICE. Did you ever sign a legal instrument, a legal document, before a notary public?

(No response.)

The CHAIRMAN. Mr. Rice, if you want to read a part of that record and ask the witness about it——

Mr. RICE. Did you——

Mr. PORETTO. I said I refused to answer.

The CHAIRMAN. State what the petition is about and read the part of it——

Mr. RICE. Did you not state in the petition filed August 23, 1946, in part, that Joseph Poretto was in the business of the Southern Publishing Co. and called for the return of certain teletype printing machine, teleprinter, and other articles set out; "that on August 20, 1946, the police of the city of New Orleans raided the premises at 204 Liberty Building, on St. Charles Street in this city and received the teletype writing machine and teletype printing machine, which is a part of and was connected to a telegraph press wire operating through Brooklyn, New York City, Chicago, and St. Louis, to New Orleans"?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Were you connected in any way with a telegraph wire operating through Brooklyn, New York City, Chicago, and St. Louis to New Orleans?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Is it not true that at that time you had four employees, namely, Louis Steincamp, Joseph Travoto, Ralph Emory, and Anthony Carollo?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Do you know Ralph Emory?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Is it not true that he is from Cicero, Ill.?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Do you know where he is now?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Did you ever know him?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Have you ever heard of the Inter-State Press Wire Service?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Is it not true that you stated that in connection with the Interstate Press Wire Service furnished you for accumulating news necessary for publication, leased same from Western Union Co., that you accumulated machines to the value of \$1,500?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Now, sir, did you ever get those machines back?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Did you ever lose them?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Did you ever do any business at 204 Liberty Building, 315 St. Charles Street?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Have you ever had any transactions with John S. Waterman?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Have you ever paid him any money?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Did you pay him any money in 1945?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Did you pay him any money in 1946?

Mr. PORETTO. I refuse to answer.

The CHAIRMAN. All right, let's get on.

Mr. RICE. Were your partners in this wire service enterprise Ralph Emory, Frank Capella, Anthony Carollo and Anthony Marcello, and Joseph Marcello, Jr.?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Do you know Carlos Marcello?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Do you know Anthony Marcello?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Did you ever hear of any of these fellows?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Do you know John Fogarty?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Have you ever transacted any business with Fogarty?

Mr. PORETTO. I refuse to answer.

Mr. RICE. Is it not true that in December of 1946 the organization with which you were associated, the Southern News Publishing Co., merged with the Fogarty Daily Press operation?

Mr. PORETTO. I refuse to answer.

The CHAIRMAN. Well, I think we have had enough for this. I think for the record, so that when the matter is being considered by the Senate and court, I think I should advise you, Mr. Poretto, and your good counsel, Mr. Flanagan, that if the Senate finds you in contempt and you are convicted, that each refusal may constitute, does constitute, a separate offense, so that one can be added on to the other and they don't have to run concurrently.

Do you want to make a general statement about what the purpose of these questions is and what you are undertaking to bring out by this witness, to show the purpose of them?

Mr. FLANAGAN. Mr. Chairman, I believe the record already showed, and I believe it was understood, that the witness' refusal to answer was based on the ground that the answer may tend to incriminate him or that the question was not pertinent to the issue before the committee. Is that correct?

The CHAIRMAN. Yes, that is correct. Let the record show that.

There is quite a long bit of report here, but according to what we have here, your connections with certain of the so-called Chicago mob, or group, are reputed to have begun at Cicero, Ill., and that you were in Houston, Tex., where you attempted to set up a bootleg wire service but that you were run out of there; that you had a connection with certain people of the Trans-America Wire Service of Chicago, and that in 1946 formed a corporation—I mean a partnership—with Ralph Emory, Frank Capella, Anthony Carollo, and Anthony Marcello, and Joseph Marcello, Jr., all of whom, or most of whom, are well-known criminal characters, called the Southern News Publishing Co.; that your place got raided and that Mr. Fogarty's place got raided. After that you and he went into business together, or worked out some kind of consolidation.

Mr. FLANAGAN. Mr. Chairman, may I say something at this time?

The CHAIRMAN. Let me finish.

Mr. FLANAGAN. I wanted to say something with reference to the statement you are making.

The CHAIRMAN. That this is an interstate transaction. Also, it has been the intention, I take it, of the committee to ask you about connections with Sam—that is Anthony—Carollo, and other transactions; also, one including an operation at 1311 Canal Street, and 846 Baronne Street. I think perhaps I had better ask the witness if he knows about any operations at 1311 Canal Street.

Do you have any connection with it?

Mr. PORETTO. I refuse to answer the question.

Mr. RICE. Or 846 Baronne Street, New Orleans?

Mr. PORETTO. I refuse to answer that question.

The CHAIRMAN. Or in connection with organized prostitution?

Mr. PORETTO. I refuse to answer that question.

The CHAIRMAN. Or with narcotics?

Mr. PORETTO. I refuse to answer that question.

The CHAIRMAN. And do you run a dope lay-off for a fellow named Anfar—A-n-f-a-r-o—who has some connection with the Greyhound Bus Station, or the barber shop there?

Mr. PORETTO. I refuse to answer that question.

The CHAIRMAN. Anything you want to add, Mr. Rice?

Mr. RICE. We would like to know how it was possible to obtain certain subscribers which in 1946 were receiving service from Daily Sports News, what appear to be subscribers of Southern News Publishing Co. Do you know the answer to that?

Mr. PORETTO. I refuse to answer the question.

The CHAIRMAN. Well, that will be all. I just wanted to say to you, Mr. Poretto, that you appear to be one of the worse characters this committee has had before it, and the committee doesn't intend to be defied by the attitude you have taken here today.

Mr. FLANAGAN. Your Honor, as I stated at the beginning, there is no intention of the witness to defy the committee but he desires to stand upon his constitutional privileges.

The CHAIRMAN. As far as what the witness has said it speaks for itself. No hard feelings to you, Mr. Flanagan. You seem to be a very nice fellow. Mr. FLANAGAN. Thank you.
(Witness excused.)

ANNEX II

The committee has received the following memorandum from its associate counsel, which sets forth the legal opinion of its staff with reference to the contempts committed by Joseph A. Porretto:

JANUARY 29, 1951.

Memorandum to Senator Estes Kefauver, chairman, re contempt of Joseph A. Porretto (S. Res. 85):

I have examined the record of the testimony of Joseph A. Porretto in addition to hearing it at the time it was given, and it is my opinion, which has previously been conveyed to the committee, that the refusal by Joseph A. Porretto to answer questions was contemptuous of the United States Senate and its Special Committee To Investigate Organized Crime in Interstate Commerce.

As associate counsel of the committee, with the advice and concurrence of the committee's legal staff, I have advised the committee and now certify that the contempts complained of are, in my opinion, punishable as a matter of law. In those instances where the witness asserted a claim of privilege, it is my opinion that the claim was not made in good faith inasmuch as there was no reasonable relationship between the questions asked and a line of proof which might incriminate the witness under any Federal statute.

In certifying contempt proceedings, this committee and its counsel have carefully distinguished between refusals to answer based on an arbitrary or fanciful claim of privilege from refusals to answer questions where a claim of privilege might be raised with even a minimum possibility that the witness might be incriminated under any of the laws of the United States.

DOWNEY RICE, Associate Counsel.

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